

**STATE BOARD OF HEALTH
MINUTES**

**October 13, 2006
9:00 a.m.**

**Legislative Building
401 S. Carson Street, Room 2135
Carson City, Nevada**

**Grant Sawyer Building
555 E. Washington Ave., Room 4412
Las Vegas, Nevada**

BOARD MEMBERS PRESENT:

Dee Hicks, RN (attended in Las Vegas)
Frances Sponer (attended in Las Vegas)
Jade Miller, DDS, Chairman (attended in Carson City)
Vishvinder Sharma, MD (attended in Las Vegas)

BOARD MEMBERS NOT PRESENT:

Joey Villaflor, MD
Roger Works, DVM
William E. Quinn, IV, Vice Chairman

HEALTH DIVISION STAFF PRESENT:

Adrian Howe, Radiation Physicist, Bureau of Health Protection Services
Alex Haartz, Secretary State Board of Health, Administrator, Nevada State Health Division
Chad Westom, Environmental Health Specialist III, Bureau of Health Protection Services
Diane Allen, Health Facilities Surveyor IV, Bureau of Licensure and Certification
Ed Sweeten, Radiation Physicist, Bureau of Health Protection Services
Emily Fisher, Administrative Assistant II, Bureau of Licensure and Certification
Janet Osalvo, Executive Assistant, Nevada State Health Division
Jennifer Dunaway, Health Facilities Surveyor IV, Bureau of Licensure and Certification
Joe Pollock, Staff III, Public Health Engineer, Bureau of Health Protection Services
Larry Boschult, Radiological Staff Specialist, Bureau of Health Protection Services
Linda Anderson, Senior Deputy Attorney General, Office of the Attorney General
Lisa Jones, Health Facilities Surveyor IV, Bureau of Licensure and Certification
Luana Ritch, Chief, Bureau of Health Planning & Statistics
Lynn O'Mara, Health Resource Analyst III, Bureau of Health Protection Services
Lynn Solano, Health Resource Analyst II, Bureau of Health Planning and Statistics
Pam Graham, Chief, Bureau of Licensure and Certification
Robert Cain, Health Facilities Surveyor, Bureau of Licensure and Certification
Shirley Rains, Administrative Assistant IV, Bureau of Licensure and Certification
Stanley R. Marshall, Chief, Bureau of Health Protection Services

ADDITIONAL TESTIMONY PRESENTED BY:

Bart Maybie, Hotel Furniture
Christine Silvis, Southern Nevada Health District
Joe Silva, Hotel Furniture
K.D. Duncan, Hotel Furniture
Lawrence Sands, Southern Nevada Health District
Rose Henderson, Southern Nevada Health District

OTHERS PRESENT:

B. York
Bill Soucy, HMC
Brayan Martinez
Candy Keal, WestCare
Dick Steinberg, WestCare
Jose Finnwinner
Kacey Brunsen
Kent Wirtz, Southern Nevada Health District
Kevin Cash, Washoe Med., Renown Health
Marilyn Towner, Bridge
Michael Lavin, West Care
Mr. Chase, Renown Health
Oscar Reese
Robert Moldowan, Southern Nevada Health District
Stanley Jensen, Southern Nevada Health District

Jade Miller, DDS, Chairman, opened the meeting at 9:07 a.m. Dr. Miller indicated that the meeting was properly posted at the locations listed on the agenda in accordance with the Nevada Open Meeting Law.

1. Roll Call and approval of minutes from the August 11, 2006 Board of Health meeting.

Janet Osalvo, Executive Assistant, Nevada State Health Division, stated that Mr. Quinn was excused. Dr. Works and Dr. Villaflor were not present; however, a quorum was established.

There being no changes, additions or deletions to the August 11, 2006 Board of Health minutes.

MOTION: Ms. Sponer moved to approve the minutes of August 11, 2006 Board of Health meeting.
SECOND: Ms. Hicks
PASSED: UNANIMOUSLY

2. CONSENT AGENDA

Linda Anderson, Senior Deputy Attorney General suggested item number two (2)-D to be removed from the consent agenda. Ms. Anderson indicated that individuals from Southern Nevada Health District (SNHD) would like to present additional information to the Board prior to making a decision on this item.

There being no other comments regarding items on the consent agenda:

MOTION: Ms Sponer moved to approve consent agenda item numbers 2-A, 2-B, 2-C and 2-E as presented by staff.
SECOND: Dr. Sharma
PASSED: UNANIMOUSLY

2D. Case #590, Barton Maybie, Hotel Furniture Sales, Inc.: Request for a variance to NAC 444.002, "Methods of Sterilization." "Sterilization or disinfection of used or secondhand articles listed in NAC 444.001 must be by one of the following methods, under the conditions outlined..." Request to use an alternative method to sterilize used bedding other than those prescribed by NAC 444.002.

Stan Marshall, Chief, Bureau of Health Protection Services, indicated that Barton Maybie, Hotel Furniture Sales, Inc. (HSF) requested a variance from the methods of sterilization for used bedding. Mr. Marshall stated that Mr. Maybie's variance request is for allowance to use the product, "Sterifab" as an alternative method to sterilize used bedding.

Mr. Marshall indicated that the Board had approved two (2) similar variances in the past for the use of Sterifab as an acceptable method of sterilizing used bedding for Simmons Company on December 12, 2003 and Advanced Comfort Technologies, Inc. on August 19, 2005. Mr. Marshall then indicated that utilizing Sterifab would not cause detriment to public health, is a safe and effective alternative method of sterilization, and would not impair the purpose of the regulation.

Rose Henderson, Environmental Health Supervisor, SNHD, indicated her concerns are related to the sanitation process that was not mentioned in the memo for Hotel Furniture, Inc. No details were provided regarding the environmentally safe sanitation room's dimensions, floor plan, ventilation, type of breathing apparatus or the inspection process after the sterilization process is completed. Ms. Henderson stated that any visible stain or objectionable odor on an original covering should negate the reuse of a mattress or box spring. Ms. Henderson feels that during the sterilization process it would be easy to miss the presence of bedbugs, especially their eggs and larvae. Sterifab is a surface treatment and bedbugs could be a problem inside the mattress and box springs. Sterifab dries in about 15 minutes and when this product is dry, the disinfectant factor is no longer active. Ms. Henderson indicated that it is unknown as to how deep the mattress and box springs are disinfected when using Sterifab. Ms. Henderson indicated her concern of the manner that the mattresses are stored after refurbishing; she feels that it would be possible for bedbugs to accommodate the refurbished mattresses from those that are not yet disinfected. Refurbished mattresses are stored in the same warehouse in open-end plastic as the un-refurbished mattresses and bedbugs could migrate. Ms. Henderson requested that additional time to obtain specific details on the use of Sterifab be allowed prior to approval of this variance by the Board. The use of Sterifab as a disinfecting

agent is approved for use in California. The variance states that a comparable product could be used and Ms. Henderson feels that this wording would possibly permit a blanket approval.

Kristine Sylvas, Environmental Health Specialist, SNHD, indicated that she contacted the California Bureau of Home Furnishings and Thermal Installation (CBHFTI) and spoke with a lab employee regarding the concerns that Ms. Henderson had indicated. The lab employee clarified for Ms. Sylvas that the process of sterilizing the visibly soiled mattresses could not be determined; and clarified that the mattress' visible outside fabric is sprayed not saturated with Sterifab, and was unsure of the depth of this treatment on the mattress. The lab employee indicated for Ms. Sylvas that CBHFTI had performed a test on the mattress and box springs disinfectant process using Sterifab and no information regarding the result of the test was currently available. Ms. Sylvas requested that the Board consider postponing approval of this variance until these issues are clarified.

Dr. Miller requested for a representative of Southern Nevada Health District to clarify for the Board if regulations have been adopted in relation to this particular issue.

Ms. Henderson clarified for Dr. Miller that no local regulations have been approved at this point in time.

Joe Sylva, Hotel Furniture Sales, agreed that the SNHD concerns are valid. The issues of visible stains on mattresses are important but are not a major issue with the mattresses at HFS. Mr. Sylva then indicated that HFS has a challenge with the increasing volume of mattresses and that his business has a warehouse that includes a properly insulated area and plans to perform the disinfection process in this area. Mr. Sylva feels that the vermin issue needs to be addressed in Clark County and that California has very stringent controls; and California has approved Sterifab as an acceptable product. Mr. Sylva requested that approval of the use of Sterifab be admissible and to consider the comments mentioned by Clark County official's.

Ms. Hicks requested Mr. Sylva to clarify if answers to SNHD concerns could be answered during today's meeting.

Mr. Sylva clarified for Ms. Hicks that HFS is not currently refurbishing mattresses and has discontinued this process until the variance is approved. Mr. Sylva indicated that HFS is not a mattress recovering facility and that Ms. Sylva's comments were not related to HFS practices.

Ms. Hicks requested that Mr. Marshall clarify if he had reviewed the PowerPoint presentation handout from SNHD that was received prior to the meeting today.

Mr. Marshall clarified for Ms. Hicks that he had not completely reviewed the information from SNHD as it was being provided for the first time today.

Dr. Miller requested Mr. Haartz to clarify appropriate directions the Board should consider for this variance. Dr. Miller then thanked SNHD for presenting the critical issues to the Board on this variance request.

Mr. Haartz indicated that the Board members located in the North have not received the materials that were presented by SNHD in the South and that the Board has four (4) options. To approve the variance request outright; to approve the variance request and work with the SNHD to address their concerns; to deny or postpone the request until the Board felt there is sufficient information to approve the request; or SNHD could adopt regulations and address this issue at the county level.

Ms. Sylvas then explained the PowerPoint presentation handout.

Katherine Duncan, Manager, HFS, Inc. indicated that HFS is in the business of liquidating used hotel furniture in Las Vegas. HFS, Inc. ensures that they offer only quality used products and enjoy having a good reputation. Ms. Duncan indicated that HFS realizes the importance of addressing the concerns of SNHD officials. If the regulations were followed as stated in the NAC 444.002, it is realized to be an unsafe environment for company staff. Worker safety is our number one (1) concern. HFS is seeking to use alternative products for the sanitization process. Ventilation installation is planned for the sanitizing room. Ms. Duncan indicated that a worker compensation partner is included in planning to insure OSHA requirements are followed for safety in the ventilation room. A visual inspection is provided at HFS and stained mattresses are disposed of, not refurbished. Ms. Duncan requested the Board to consider HFI as

an individual company and is not seeking a blanket approval for all cleansing products. The company will abide by whatever product is approved by the Board and therefore, requested approval of the variance.

Barton Maybie, Owner, HFS, Inc., indicated that the business Ms. Henderson and Ms. Sylvas from SNHD are portraying in the PowerPoint handout is not related to HFS or the variance.

Dr. Sharma requested Ms. Duncan to clarify if there are established methods of ridding bedbugs that could be utilized by HFS and what is the plan to initiate the treatment. Dr. Sharma then requested Ms. Duncan to clarify if the treatment of Sterifab would eradicate bedbugs and larvae in mattresses.

Ms. Duncan clarified for Dr. Sharma that Sterifab, to her knowledge, is the only approved product for sterilization at this time. HFS plans to spray the mattresses thoroughly for the treatment of bedbugs and after dried, store the mattresses in plastic. Each mattress has to be looked at to determine the type of treatment and Ms. Duncan could not guarantee the total eradication of bedbugs during this treatment.

Ms. Sponer requested Ms. Duncan to clarify why HFS brought this variance to the Board.

Ms. Duncan clarified for Ms. Sponer that a terminated disgruntled employee had complained to the Clark County Health Department.

There were no further questions or comments:

MOTION: Ms. Hicks moved to approve the variance with the condition that if SNHD finds further problems with HFS, that this matter could be brought before the Board for consideration of revocation of this variance.
SECOND: Dr. Sharma
PASSED: UNANIMOUSLY

3. Consideration and adoption proposed amendments to NAC 459, "Hazardous Materials" LCB File No. R085-06.

Stan Marshall, Chief, BHPS, stated that the proposed revisions are intended to enhance the existing Nevada radiation control requirements to maintain state radioactive material program compatibility with the U.S. Nuclear Regulatory Commission (NRC) and to revise and clarify a number of details in the requirements associated with X-ray machine use in the state. In 1972, Governor Mike O'Callaghan signed an agreement with the NRC to implement licensure and other regulatory requirements for all radioactive material users in the state. Since then, periodic proposed revisions such as those presented in the memo today have been necessary to support the radioactive material program and to maintain compatibility with federal requirements that would otherwise apply to licensees in Nevada.

Mr. Marshall then indicated a summary of the proposed regulations: revisions to a number of administrative and housekeeping requirements applicable to radioactive material and X-ray users; revisions to respiratory protection and allowed skin dose requirements; additional security requirements for generally-licensed industrial devices and portable devices containing radioactive material; revisions to some medical use requirements; and revisions to financial surety specifications.

There were no questions or comments:

MOTION: Ms. Sponer moved to adopt as staff recommends to the proposed regulation amendments to NAC 459, LCB File No. R085-06, Hazardous Materials
SECOND: Ms. Hicks
PASSED: UNANIMOUSLY

4. Informational Item: Health Maintenance Organization (HMO) Quality Indicator 2005 Annual Report, pursuant to NAC 695C.275(1), "Quality and performance indicators to be included in report of health maintenance organization."

There were no questions or comments.

5. Reports

A. Chairman - Jade Miller, DDS

Dr. Miller stated that on September 22, 2006, he attended the State Oral Health Summit in Las Vegas with Mr. Haartz. The conference focused on the oral health of Nevada citizens and was divided into several different topics: a report by the various coalitions throughout Nevada as to the current status of oral health awareness and how networking is accomplished with one another to effectively make changes, enhance and improve the oral health of Nevada citizens; a workshop topic was presented on oral health assessment and prevention for the non-dental hygienist; a topic on "Meth-mouth" that brought unfortunate news and the serious ramifications of methamphetamines throughout the country and its effect on personal lives and oral health; and a presentation was provided regarding disaster preparedness "Is Nevada Ready". Dr. Miller indicated that this was the fourth Oral Health Summit that has been conducted and was well organized by the Health District.

Dr. Miller indicated that the next Board of Health meeting is scheduled for Friday, December 8, 2006.

B. Secretary – Alex Haartz, Administrator, Nevada State Health Division.

Alex Haartz, Secretary, introduced Luana Ritch who was recently promoted to the position of Chief of the Health Division's Bureau of Health Planning and Statistics (BHP&S). Dr. Ritch replaced retiree, Emil DeJan.

Luana Ritch, Chief, BHP&S, invited Board members to contact the bureau with questions, if necessary, regarding products, services and reports, such as the informational item on HMO that was provided by the bureau for Item #4. Dr. Ritch indicated that she could be reached at (775) 684-4155, the Health Division website at <http://www.health2k/> or email at Lritch@nvhd.state.nv.us.

Mr. Haartz indicated that the Board is not on schedule according to the Board By-Laws for the chairman election. The Chairman was to be elected during the July or August 2005 meeting and this did not occur. The Board now needs to hold the election for Chairman at the December 2006 meeting. If the Board desires to continue with the two (2) year term election for Chairman, the By-laws would require a change to reflect the elections to be held in December as a replacement for the first meeting of odd-numbered State fiscal years, as they currently state. The other option for the Board Chairman election would be the Chairman serves a 1.5 year term and remain in compliance with the current Board by-laws.

Mr. Haartz indicated that the election for vice-chairman is consistent with the Board's by-laws and would take place in July or August of 2007 and the Health Division will be contacting each member to determine individual interest in continuing to serve on the Board. The November election for Governor is impending and with a new Governor, Board appointment terms would typically be reviewed. Mr. Haartz clarified that Ms. Hicks, Dr. Villaflor and Mr. Quinn's appointments expire on June 30, 2007; and Dr. Miller, Dr. Sharma, Dr. Works and Ms. Hicks' appointments expire on June 30, 2009.

Mr. Haartz stated that at the August 11, 2006 Board of Health meeting, the Board adopted regulations related to personal care agencies (PCA) and the Legislative Council Bureau declined to adopt these regulations during their meeting in late September 2006. The PCA regulations continue to be in limbo at this time. Either the Legislative Commission determines that the regulations are acceptable or would provide guidance for revisions.

Mr. Haartz then indicated that all other regulations approved by the Board over the last several meetings have been adopted.

Mr. Haartz stated that the Health Division has submitted its budget priorities to include: staffing in terms of recruitment and retention; a major initiative to improve the Health Division's information technology

infrastructure and access to health data through a web-based system; key public health priorities are reduction of the infant mortality rate, oral health and teen pregnancy prevention.

C. Southern Nevada Health District – Dr. Lawrence Sands, Director, Community Health

Dr. Sands gave information on his background. He has over 20 years as a public health physician and has held a variety of public health leadership positions at the state and local level in Arizona prior to his move to Nevada. His experience spans a wide range of public health programs including communicable disease control, maternal child health, homeless health care, emergency preparedness and response, and chronic disease prevention and control. Dr. Sand is board certified as a specialist in General Preventive Medicine and Public Health and has received his Osteopathic Medical Degree, Master of Public Health and also completed a residency in preventive medicine. Dr. Sands is also a past president of the Arizona Osteopathic Medical Association, and a current member of both the Clark County Medical Society and the Nevada Osteopathic Medical Association. The SNHD is working with the Nevada State Health Division (NSHD) to identify emergency funding to maintain operation of the Rocky Mountain Poison and Drug Center. The NSHD requested and received approval for \$227,000 in emergency funds from the Nevada Interim Finance Committee in September to offset an anticipated loss of funding from the Health Resources and Services Administration Hospital Preparedness grant. The emergency funds will allow continuation of services through February 2007. The health district also has identified a possible grant fund to offset some of the ongoing costs of operating a poison control system for the state. The district is working with Rocky Mountain to provide a proposal to the SNHD that would improve the poison control response system while reducing the overall costs per call. In September the Centers for Disease Control and Prevention (CDC) released the results of the 2005 National Immunization Survey (NIS). Of the 28 areas that were sampled, Clark County was identified as having the lowest immunization rates for the age group and series of vaccines that was surveyed. The SNHD received a first-of-its-kind federal grant for more than \$2.8M over five (5) years from the CDC to develop a comprehensive childhood lead poisoning prevention program for the community. The program will be initiated in Clark County but will be expanded to include the entire state of Nevada in the near future. The SNHD received notification that it's "Can It, Southern Nevada" campaign will be honored with a Pinnacle Award in November. The Pinnacle Award is in recognition of the best public relations programs in Southern Nevada, Northern Arizona and Southern Utah. The "Can It, Southern Nevada" campaign was funded through the Cities Readiness Initiative and launched by the health district in September 2005. The goals of the campaign were to raise awareness of the health district's role in dispensing medications or vaccinations to the public during an emergency and to encourage the public to take an active role in preparation activities including developing a personal preparedness plan and assembling emergency preparedness kits. The Regional Trauma Advisory Board (RTAB) continues to meet monthly to discuss issues related to the development of the trauma system in Clark County. Five new members joined the RTAB in September: Sandy Young, RN, Las Vegas Fire & Rescue; Dr. Michelle Chino, University of Nevada Las Vegas; Tim Hingtgen, CEO, Summerlin Hospital; Dr. Sameer Abu-Samrah, Sierra Health; and Robert Bursey. The SNHD is developing regulations to govern the reporting of diseases, exposures and sentinel health events.

D. Environmental Commission – Frances Spomer, Board of Health Designee

Ms. Spomer stated that she attended the Environmental Commission meeting in Reno on September 11, 2006 at the Division of Wildlife. Numerous items were presented at the meeting such as, arsenic and mercury levels in water, the needs of specific communities and actions to be taken. The minutes from the meeting are not currently available on the website and Ms. Spomer will forward the minutes upon availability.

Dr. Miller thanked Ms. Spomer for her support and dedication to the Environmental Commission.

9. Public Comment and Discussion

Dr. Miller then requested comments from Board members in lieu of having the meeting videoconference rather than traveling to a single location for a minimal agenda.

Ms. Hicks indicated that the option not to travel works well if appropriate.

Dr. Miller then stated that after a review of each Board packet for each meeting, the members would communicate with Mr. Haartz regarding necessary travel to that meeting.

Ms. Sponer requested from Mr. Haartz information and copies regarding Bill Draft Requests (BDR) for the upcoming 2007 Legislative Session.

Mr. Haartz clarified for Ms. Sponer and other Board members that he would provide Bill Draft information at the next meeting in December and the information is confidential at this time. Board members were then referred to the State of Nevada Legislative website, "<http://www.nv.gov/>" and click on "Legislature" to obtain BDR's for the 2007, 74th Session.

Dr. Miller indicated that he will be requesting that the Health Division apprise each Board member of BDR's and Bills during the Legislative process.

There being no further comments, Dr. Miller adjourned the meeting at 10:40 a.m.